MIED (Rev. 03/11) Prisoner Civil Rights Complaint

Unicial Use Univ		
Case Number	Judge	Magistrate Judge

Case:2:14-cv-14961 Judge: Borman, Paul D. MJ: Morris, Patricia T.

Filed: 12-24-2014 At 08:42 AM PR Douglas v. Palmer (tam)

PRISONER CIVIL RIGHTS COMPLAINT

This form is for use by state prisoners filing under 42 U.S.C. § 1983 and federal prisoners filing pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Plaintiff's Information			e orienta piese es			
Name Leon Douglas		Prisoner No.	1 321	25		
Place of Confinement Thumb Correctional Facility						
Street	City		State	Zìp Code		
3225 John Conley Drive	Lapeer		MI	48446		
Are there additional plaintiffs? ☐ Yes 💆 No						
If yes, any additional plaintiffs to this action should be listed on a separate 8½" x 11" sheet of paper and securely attached to the back of this complaint. You must provide names, prisoner numbers and addresses for all plaintiffs.						

Name Carmen Palmer			Position	rden	
Street/P.O. Box Michigan Reform	atory	City		State	Zip Code
1342 West Main Street		Ionia		MI	48846
Are you suing this defendant in his/her:	□ Pei	rsonal Capacity	☐ Official Capacity	Ki Bo	oth Capacities
Are you suing more than one defendant?	X Yes	•	□ No		

Parties (Caption or Name of Case):

Disposition:

I. PREVIOUS LAWSUITS
Have you filed any other lawsuits in state or federal court relating to your imprisonment?
□ Yes
If "Yes," complete the following section. If "No," proceed to Part II.
Please list all prior civil actions or appeals that you have filed in federal court while you have been incarcerated.
Docket or Case Number:
Name of Court:
Parties (Caption or Name of Case):
Disposition:
Docket or Case Number:
Name of Court:
Parties (Caption or Name of Case):
Disposition:
Docket or Case Number:
Name of Court:

Any additional civil actions should be listed on a separate sheet of $8\frac{1}{2}$ " x11" paper and securely attached to the back of this complaint.

II. STATEMENT OF FACTS

State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other people, dates and places involved in the incident. Do not give any legal arguments or cite any cases or statutes.
SEE STATEMENT OF FACTS AND CLAIMS ATTACHED
III. STATEMENT OF CLAIMS
State what rights under the Constitution, laws, or treaties of the United States have been violated, and be specific. Set forth each claim in a separate paragraph. If you intend to allege several related claims, number and set forth each claim on a separate 8½" x 11" sheet of paper and securely attach the papers to the back of this complaint.
SEE STATEMENT OF FACTS AND CLAIMS ATTACHED
IV. RELIEF
State briefly and exactly what you want the Court to do for you.

NED (Rev. 03/11) Prisoner Civil Rights Complaint	
	RELIEF REQUESTED ATTACHED
l declare (or certify	, verify, or state) under penalty of perjury that the
foregoing is true a	nd correct.
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xecuted (signed) on	(date).
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	Signature of Plaintiff

ADDITIONAL DEFENDANTS

Lieutenant Muzzin, (was Sergeant at time of cause of action) Michigan Reformatory 1342 West Main Street Ionia, Michigan 48846 Being sued in both capacities

Lieutenant Martin Michigan Reformatory 1342 West Main Street Ionia, Michigan 48846 Being sued in both capacities

Kerry Gobert, Resident Unit Manager Michigan Reformatory 1342 West Main Street Ionia, Michigan Being sued in both capacities

STATEMENT OF FACTS AND CLAIMS

- !. That on September 23. 2012, Plaintiff Douglas was called for a visit at the Michigan Reformatory, at approximately 010:21 hrs.
- 2. That then Sgt. Muzzin (new Lt. Muzzin) refused to permit Plaintiff in this visiting room because he was wearinf medical prescription shoes (orthopedic shoes).
- 3. Plaintiff attempted to explain to Defendant Muzzin that he had special medical accommodations that permitted him to wear his shoes on visits and any other time of day.
- 4. Plaintiff further attempted to explain to Defendant Muzzin that he is a diabetic, has polio, and suffers from neuropathy in his feet.
- 5. Plaintiff showed Defendant Muzzin his special medical accommodations but, Defendant refused to honor them.
- 6. Defendant Muzzin then gave Plaintiff Douglas a choice either to wear a used pair of black state exfords she located in the Michigan Reformatory control center or go without his visit.
- 7. Plaintiff then attempted to explain to Defendant Muzzin that state shoes caused him pain and bleeding in his feet. That was why he was written a medical accommodation to wear his medical shoes.
- 8. Defendant Muzzin refused let Plaintiff Douglas to wear his medical shoes on his visit and he was forced to go on his visit wearing thew used state shoes Defendant Muzzin had located.
- 9. That while on his visit Plaintiff started suffering pain and discomfort caused by the state shoes he was forced to wear. He was forced to terminate his visit.
- 10. That when Plaintiff left the visiting room and reported to the Michigan Reformatory control center to pick up his medically prescribed shoes, he was met by Defendant Lt. Martin.
 - 11. Lt. Martin told him he could not have his prescription shoes.

- 12. Plaintiff informed Defendant Martin that he could no longer wear the state oxford shoes because they were causing him to much pain and discomfort.
 - 13. Defendant Martin refused to return Plaintiff's prescriptions shoes.
- 14. Plaintiff attempted to show Defendant martin his bloodied feet caused by being forced to wear the used state oxfords on his visit.
- 15. Defendant Martin then gave Plaintiff Douglas a direct order to give him the state oxford shoes and ordered Plaintiff to return to his housing unit in his bare feet. Plaintiff complied with Defendant Martin direct order and returned to his housing unit walking on cold damp concrete in his bare feet.
- 16. When Plaintiff Douglas entered I-Block he showed his bloodied fact to Sgt. Burns and C/O Decker who informed him to file a grievance against Defendants Muzzin and Martin. Plaintiff Filed Grievance identifier no. RMI-1209-1627-28C.
- 17. That on September 24, 2012 Plaintiff was called to the Michigan Reformatory control center where he was served with a class III misconduct report for contraband and contraband removal record, alleging his special medical shoes where contraband, by C/O Schlosstein.
- 18. That Plaintiff asked C/O Schlosstein why he was writing such a misconduct, and he informed Plaintiff that Defendant Martin instructed him to write the misconduct.
- 19. That from September 23, 2012, through November 8, 2012, Plaintiff repeatedly wrote Defendant Palmer letters requesting that she intervene and order his prescription sheep returned to him. In one letter he quoted her step II response to his grievance: "Prisoner Douglas is allowed to wear his medically necessary shoes into the visiting room as authorized by a qualified medical healthcare professional." Defendant Palmer failed to take any action and simply ignored Plaintiff's letters.
- 20. Plaintiff also repeatedly spoke to to Defendant Kerry Gobert and requested that a hearing be held on his prescription shoes or they he return them to him.

- 21. That on November 8, 2012, Plaintiff filed grievance identifier no. RMI 1211-1900-07B against Defendant Gobert for violating his due process rights for not conducting an administrative hear in a timely manner.
- 22. That on November 13, 2012 Michigan Reformatory grievance coordinator K. Miller rejected Plaintiff's grievance mention above in \P 21.
- 23. Plaintiff filed a step II grievance on December 5, 2012, and on December 11, 2012, Defendant Palmer responded: ". . . A Notice of Intent was not prepared, nor was an Administrative Hearing held regarding the Contraband Removal slip that was written on 9/23/12, therefore prisoner's due process was violated in accordance with PD-04-07-112."
- 24. Defendants Palmer, Muzzin, Martin and Gobert lacked penological and/or security justification to treat Plaintiff in the manner as described above during the time they confiscated his medically prescribed shoes until the time they were returned.
- 25. Defendants Palmer, Muzzin, Martin and Gobert acted wantonly, maliciously and willfully.
- 26. Defendants Palmer, Muzzin, Martin and Gobert acted with deliberate indifference to the seriousness of Plaintiffs medical conditions of polio, diabetes, and neuropathy.

CAUSES OF ACTION

Count I

Plaintiff Was Subjected to Cruel and Unusual Punishment In Violation of The Eighth Amendment To The Constitution.

- 27. Plaintiff incorporates paragraphs 1 through 26 as though they were stated fully herein.
- 28. Defendants Muzzin and Martin violated Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment by confiscating and retained his medically prescribed orthopedic shoes, knowing Plaintiff suffering from polio, diabetes and

neuropathy.

- 29. Defendant Muzzin violated Plaintiff's Eighth Amendment right to be free of cruel and unusual punishment when by confiscating Plaintiff medically prescribed shoes and forced him to wear of used pair of state oxfords on his visit after being informed that the state shoes would cause him pain and discomfort.
- 30. Defendant Martin violated Plaintiffs right to be free of cruel and unusual punishment when he confiscated Plaintiff's medically prescribed shoes and forced him to walk back to his housing unit bared footed knowing Plaintiff suffered from polic, diabetes, and neuropathy.
- 32. Defendants Palmer, Muzzin, Martin an Gobert violated Plaintiff Eighth Amendment right to be free of cruel of cruel and unusual punishment by acting deliberately indifferent in retaining Plaintiff's medically prescribed shoes knowing he suffered from polio, diabetes and neuropathy.

Count II

Plaintiff was Denied Due Process Under The Fourteenth Amendment To the Constitution.

- 33. Plaintiff incorporates paragraphs 1 through 26 as though they were stated fully herein.
- 34. Defendant's Palmer's Muzzin, Martin and Gobert violated Plaintiff's Fourteenth Amendment rights to due process by continuously retaining Plaintiff's medically prescribed shoes without providing him with a timely Administrative hearing.
- 35. Defendant Martin violated Plaintiff's Fourteenth Amendment rights to due process by having C/O Schlossein write him a false class III misconduct report in attempt to cover-up for violating Plaintiff's Eighth Amendment right to be free from cruel and unusual punishemtn.

Count III

Plainitff Was Denied Equal Protection

Under the Fourteenth Amendment To the Constitution.

36. Plaintiff incorporates paragraphs 1 through 26 as though they were stated

fully herein.

37. Defendants Palmer, Muzzin, Martin, and Cobert violated Plaintiff's Fourteenth Amendment Rights to equal protection by confiscating, retaining and refusing to allow Plaintiff to wear his medical prescribed shoes on a visit.

38. Defendants Palmer" Muzzin, Martin and Gobert violation Plaintiff's Fourteenth Amendment rights to equal protection under the Americans with Disabilities Act! 42 U.S.C. §§ 12101 et seg; and the Rehabilitation Act! 29 U.S.C. § 794 et seq, by confiscating, retaining and preventing Plaintiff from wearing his medically prescribed shoes on a visit where they had knowledge Plaintiff suffered from polic, diabetes and neuropathy.

RELIEF REQUESTED

WHEREFORE, Plaintiff Douglas respectfullu prays that this Court:

A. Declare that the acts and omission described herein violated Plaintiff; srights under the Constitution and laws of the United States:

B. Issue Injunctive Relief preventing any Michigan Department of Corrections employees from confiscating and retaining Plaintiff's medically prescribed shoes without just cause.

C. Order Defendants Palmer, Muzzin, Martin and Gobert to pay compensatory damages in the amount of \$25,000.00 each.

D. Order Defendants Palmer, Muzzin, Martin and Gobert to pay punitive damages in the amount of \$10,000.00 each.

E. Order defendants to pay reasonable fees and cost; and

F. Grant other just and equitable relief that this Honorable Court deems necessary.

Dated: 12-19-2014

Respectfully submitted,

Leon Douglas

VERIFICATION

I, <u>Leon Douglas</u>, have read the foregoing Complaint and hereby verify that the matter(s) alleged therein are true, except as to matter(s) alleged on information and belief, and as to those I believe them to be true. I certify under the penalty of perjury that the foregoing is true and correct.

Executed on;

DATED: 12-19-2014

Respectfully Submitted;

Mr. Leon Douglas

Thumb Correctional Facility 3225 John Conley Drive

Lapeer, MI 48446

INDEX OF ATTACHMENTS

Contraband Removal Record of 7/23/12 (one page)

Misconduct Report of 7/23/12 (one page)

Medical Details and Special Accommodation Notices (nine pages)

Grievance No. 1209-1627-28C (six pages)

Grievance No. 1211-1980-878 (four pages)

Case 1:15-cv-00041-RJJ-PJG ECF No. 1, PageID.13 Filed 12/24/14 Page 13 of 37

GAN DEPARTMENT OF CORRECTIONS

CSJ-284 NTRABAND REMOVAL RECORD 12/01 4835-3284 Date: Time: Staff Member's Name: 9-23-1 Badge Number: Schlosstein 100 hrs Prisoner Name: Prisoner Number: Facility: 132125 KM Location Contraband Found: terson DESCRIPTION AND REASON FOR CONFISCATION (Describe Fully): ITEM 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 SECURED IN OR TURNED OVER TO: Time: 1100 hr 5 FOR OR INSPECTION RETURNED TO PRISONER AFTER INSPECTION & WITHOUT ACTION TAKEN Date: Time: Prisoner - Print Name: Signature:

Prisoner

With Contraband

DISTRIBUTION:

File Copy

Attached to NOI/Misconduct Report

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ACHIGAN DEPARTMENT OF CORRECTIONS-Bureau of Health Care 4835-72 CHJ-244 12/9 This form is to be completed only when medical condition or physical disability affects placement, housing work assignment, or requires special supplies/equipment Necessary accommodations: If accommodations are temporary record date accommodation must be reviewed beside checkbox (HX] A. Housing: Barrier Free/Wheelchair Accessible Single-person Room Smoke Free Sink/toilet in Room HC 🔲 Ground Floor Room Extra Bedding/Clothing (specify) - Continuous Electric Power Frequent Laundry Service - Continuous Access to Toilet Geriatric Unit Shower Chair Other (specify) **Bottom Bunk** B. Work Assignment: WA _____ No Work Assignment-Temporary Restriction No Driving/Dangerous Machinery - No Standing No Lifting More Than No Heights Other (specify) C. Medical Equipment/Supplies: Limb Prosthesis (specify) Wheelchair (type)_ Brace (specify type). $MK \square$ Contact Lens(es) & Supplies MC 🗆 - Crutches Hearing Aid - Cane (type) Incontinence Garment - Walker mn 🗖 Special Garment (specify) $MF \square$ - Dressing/catheter/colostomy Supplies Glasses - RX: -Prescription Shoe (specify) мг 🛭 Other (specify) - Dialysis - Peritoneal D. Other: OA 🛛 Attendant to assist with meal access and other movement inside the institution. Attendant will not feed or lift the patient, or perform elements of personal hygiene. Therapeutic Diet (specify) OC Handicap Table Communication Assistance: Hearing Sight Reading/writing 0E Transport Vehicle with Lift Other (specify) Signature Number Date Completed By: Approved By: Patient Identification SPECIAL ACCOMMODATION Name: NOTICE Number: D.O.B.:

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ACHIGAN DEPARTMENT OF CORRECTIONS-Bureau	of Health C	are		4835-72
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MICHIGAN DEPARTMENT OF CORRECTIONS-Bureau of Health Care

4835-7244 CHJ-244 11/94

Necessary	accommodations:	If accommodation	s are tempe	orary recor		odation must
A. Housing:		reviewed beside ch	ieckbox (H	X <u> </u>	MM/DD/YY)• ₇
	Barrier Free/Wheelchair					
_	— Smoke Free	Accessible		Bottom		
	Ground Floor Room		нн 🔾	Single-		
	Continuous Electric Pow			Sink/toi		
	 Continuous Access to To 				edding/Clothing (spe	ecify)
	Continuous Access to 16 Shower Chair	ilet · · · · · · · · · · · · · · · · · · ·	_		t Laundry Service	
B. Work Assig			нz 🗖	—— Other (s	pecify)	
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and the second of the second o	uipment/Supplies:		_			
_	Limb Prosthesis (specify)	and the second of the second o		Dialysis		
_	Brace (specify type)				air (type)	and the second s
. —	_ Crutches				Lens(es) & Supplies	
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	_ Walker			Incontine		
_	 Dressing/catheter/coloston 		MN 🗆	Special G	arment (specify)	
_	 Prescription Shoe (specify 				RX:	
	Unusual Shoe Size/Width:	R: L:	мz 🗖	Other (spe	ecify)	
Other:						Pari da di
OA 🗖	Attendant to assist with me	al access and other movem	nent inside the i	nstitution. Atte	ndant will not feed o	r lift the
·	patient, or perform element	ts of personal hygiene.				
ов 🗖	Therapeutic Diet (specify)			-		
oc —	 Handicap Table 					
DD 🗖	Communication Assistance	:	Sight -	☐ Readi	ing/writing	
DE 🗖	- Transport Vehicle with Lift					
oz 🗖	Other (specify)					<u>. , , , , , , , , , , , , , , , , , , ,</u>
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MICHIGAN DEPARTMENT OF CORRECTIONS BUREAU OF HEALTH CARE SERVICES

DATE:09/16/2010 3:43 PM

SPECIAL ACCOMMODATIONS ORDERS

Order Housing: Bottom bunk RN	Start Date Stop Date 04/14/2006	Ordered 04/14/2006	Ordered By Wendy J. Wellington,
Medical Equipment/Supplies: Other, glucometer Medical Equipment/Supplies: Other, glucometer and supplies Medical Equipment/Supplies: Prescription shoe, athletic shoes 10.5		06/01/2009	Brenda Hunter, MRE Amy J. Bidlack, RN 09/02/2009
Medical Equipment/Supplies: Prescription shoe, orthotic shoes Other: At risk of heat-related illness Other: At risk of heat-related illness Other: Other, bottom bunk Work Assignment: Other, FULL WORK, OK KITCHEN, NO RESTR	Julie A. Pugh, RN 04/19/2006 04/19/2006 09/02/2009 04/01/2010 10/01/2010 CTIONS 04/27/2005 Bryan R. Sherman, MSF	04/19/2006 09/02/2009 04/01/2010	Brenda Hunter, MRE Brenda Hunter, MRE Julie A. Pugh, RN Lisa R. Reeves, MD 04/27/2005

Document generated by: Joseph Sparling, RN:09/46/2010 3:45 PM Facility: LCF/

Name: LEON DOUGLAS Inmate ID: 132125

DOB: 09/18/1954

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MICHIGAN DEPARTMENT OF CORRECTIONS PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94 CSJ-247A

Date Received at Step I	Grievano	e identifiet.				
Be brief and concise in des procedure, refer to PD 03.02	cribing your grievance issu 2.130 and OP 03.02.130 avai	ie. If you have lable in the pris	any questions c	oncerning t	he griev	ance
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What attempt did you make to If none, explain why.	resolve this issue prior to w	riting this griev	vance? On what	date? ====================================	-32	
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State problem clearly. Use sep Four copies of each page and s to the Grievance Coordinator in	supporting documents must be	e submitted wi	th this form. The	g plain pape e grievance	er, may b must be	e used. submitt
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During my visit, I experienced much unnecessary discomfort and pain in my feet wearing the black state exfords Sgt. Muzzin forced me to wear. When I left my visit and reported to the control center to pick up my prescription shoes. Lt. Martin told me I could not have my prescription shoes. I told him I could no longer wear the black state exfords because they were causing me pain and bleeding in my feet. I attempted to show him the bleeding these shoes were causing me and he refused to look. He then told me, to give him the black exford shoes, and ordered me to return back to my housing unit in my bare feet. The weather was cold and the concrete sidewalks were very cold, causing me additional unnecessary pain and discomfort.

When I returned to my housing unit I showed C/O Decker and Sgt. Burns the bleeding caused by me being forced to wear the state black exfords on my visit, and walking barefoot.

Sgt. Muzzin and Lt. Martin are in violation of PD.03.03.130, Humana Treatment and Living Conditions, clearly states: "All prisoners committed to the jurisdiction of the Department shall be treated humanely and with dignity in matters of health care, personal safety and general conditions." In addition a memo issued by Deputy Director Finco dated November 17, 2011, states, "As the prisoner's single pair of state-issued shoes, this Medically Necessary shoe may be worn in all areas where the state-issued work oxford is authorized, including while visiting and while being transported." See also RMI Warden's Forum Agenda, minutes dated September 20, 2012, Question #1, where warden Carmen Palmer stated the problems such as I am grieving would be corrected.

Moreso, in addition to the violation of PD.03.03.130, disabled prisoners such as myself have rights under the Americans with Disabilities Act (ADA) 42 U.S.C. §§ 12101 et seq. The Suprame Court has held that this federal statute applies to prisons. Pennsylvania Dep't of Corrections v Yeskey, 524 U.S. 206 (1998). The ADA prohibits prison officials from discriminating against prisoners with disabilities. Here it is clear that Sgt. Muzzin and Lt. Mertin are in direct violation of the ADA. Sgt. Muzzin discriminated against me and refused to honor my special medical accommodation for prescription shoes as stated above. She then gave me no choice but to wear shoes that she was told would cause me pain and discomfort. Lt. Martin on the otherhand, discriminated against me, when he was also told of the pain and discomfort the shoes Sgt. Muzzin made me wear on my visit, and I attempted to show him my bleeding left foot. Yet, he gave me no other choice but to walk barefooted on cold concrete back to my housing unit, causing me more unnecessary pain and discomfort.

Not only did Sgt. Muzzin and Lt. Martin violate MDOC policy, and the ADA, but their actions clearly constitute deliberate indifference and (cruel and unusual punishment) in violation of the Eighth Amendment of the United States Constitution, as well as the Mich Const. 1963, Art 1, § 16. The United States Supreme Court in Farmer v Brennan, 511 U.S. 825 (1994), clearly explained what deliberate indifference means. It held that an official acts with deliberate indifference when s/he "knows that prisoners face risk of harm and disregards that risk by failing to take reasonable measures to abate it." here there is no question that both Sgt. Muzzin and Lt. Martin, were put on notice of my special medical accommodation for prescription medical shoes, that were specially made for me because of my polic and neuropathy in my feat. They both failed to take any reasonable measures to abate my pain and discomfort. I fact, Sgt. Muzzin was made aware of the pain and discomfort that state exfords cause me when wearing them. She deliberately ignored my serious medical condition and forced me to wear these state exfords on my visit or go

without my visit, even efter I informed her of the pain and discomfort the exfords would cause. Lt. Mertin, was informed of my polio, neuropathy and disbates, and injury caused by the state exfords and acted deliberately indifferent to the seriousness of my medical condition and refused to give me back my prescription shoes. This Lt. then forced me to walk back to my housing unit bared footed on cold concrete, causing me additional unnecessary pain and discomfort.

Because Sgt. Muzzin and Lt. Martin are in violation of MDOC policy, the Constitutions of the United states and the state of Michigan, and the ADA, I demand that these corrections officials be appropriately sanctioned and warned of their behavior. I also demand that all RMI visiting room staff and RMI officers be warned about failing to honor prisoners special medical accommodations and details, and request that I be given my prescription shows back immediately.

MICHIGAN DEPARTMENT OF PRISONER/PAROLEE GI		AIFEALI	OKW			CSJ-247 B
Date Received by Grievance Co at Step II:	ordinator	Grievanc	e Identifier	R Maria & Maria	<u>erei tiber</u>	
INSTRUCTIONS: THIS FOR The white copy of the Prisoner/I with a Step I response in a time! II and Step III.	Parolee Griev	ance Form C	SJ-247A (or ned to the wh	the goldenrod co	nny if you have no	ot been provi I it at both St
If you should decide to appeal the by	<u> </u>	ice response to	Step II, you ot submitted	by this date, it wi	ll be considered to	
If you should decide to appeal the Office, P.O. Box 30003, Lansing,	response you make Michigan, 489	receive at Step 909.	II, you shou	ld send your Step	III Appeal to the	Director's
Name (first, last)	Numb		Institution	Lock Number	Date of Incident	Today's Date
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Legislative Corrections Ombudsman, 4th Floor, Capitol Hall, 115 W. Allegan, Lansing, Michigan, 48913.

DISTRIBUTION: White--Central Office; Green - Canary --Step III; Pink--Step II; Goldenrod--Grievant

STEP III APPEAL RMI-12-09-1627-28C

It is clear that Warden Carmen Palmer's step II investigation reveals that I did in fact have a special medical accommodation for my medical shoes. This special accommodation was presented to Sgt. Muzzin, Lt. Martin and extstyle extstySchlosstein. Warden Palmer states in her stap II response: "A review of the OMNI accommodation tab indicate Prisoner Douglas' start date of September 26, 2012 for his medical shoes necessary shoes, the incident date was on September 23, 2012. Prisoner Douglas is allowed to wear his medically necessary shoes into the visiting room as authorized by a qualified medical healthcare professional." Although Warden Palmer supports my claim that I have a medical accommodation to wear my shoes on my visit, she makes no attempt to return these shoes to me whatsoever. Further, September 26, 2012, is the date in which RMI medical staff updated my special accommodation to ensure I would not run into anymore difficulties with RMI staff deliberately inflicting pain and suffering upon me. I have had a special accommodation and/or detail since I have had these shoes and, as stated, presented this accommodation to Sgt, Muzzin, Lt. Martinm and S. Schlosstien who deliberately and intentionally ignored the accommodation to inflict pain and suffering upon me and to deprive me of my medical shoes, which constitutes deliberate indifference and cruel and unusual punishment under the Eighth Amendment of the United States Constitution and the Michigan Constitution of 1963, Art 1, section 16, as well as, the Fourteenth Amendment of the United States Constitution's Due Process Clause, the Michigan Constitution of 1963, Art, Section 17, due Process Clause, the Federal Rehabilitation Act and the Americans with Disabilities

Furthermore, it is clear that Grievance Coordinator K. Miller, and Warden Carmen Palmer are attempting to conspire and invoke a code of silence to cover up for Sgt. Muzzin, Lt. Martin and S. Schlosstein's misconduct, deprivation of my constitutional rights as set forth above and in my step one and two claims. K. Miller and Warden Palmer claim, that my step one grievance claims against Sgt. Muzzin and Lt. Martin raise multiple issues arising from one incident, thus rejection was proper.

However, it is clear, that the issues I raise were a result of one continued transaction, a conspiracy. Sgt. Muzzin, clearly violated my constitutional rights by taking my medical shoes from me, and forcing me wear shoes that caused me pain and suffering. Sgt. Muzzin then conspired with Lt. Martin to deprive me of my shoes and to inflict more pain and suffering upon me, by forcing me to walk barefooted on cold wet concrete back to my housing unit. Sgt. Muzzin and Lt. Martin also conspired with S. Schlosstein to deprive me of my medical shoes by having Schlosstein write a Notice of Intent to Conduct an Adminstrative Hearing to deprive me of my shoes. Note this NOI was written on 9-23-12, and no Administrative hearing has yet to be conducted and my medical shoes still have not been returned to me, which further demonstrates that this was and is a deliberate action to deprive me of my shoes and to inflict harm, pain and suffering upon me. Because this is a continued transaction/conspiracy on the part of Sgt. Muzzin, Lt. Martin and S. Schlosstein, who engaged in a conspiracy to inflict pain and suffering upon me, and to deprive me of my medical shoes, this grievance was improperly rejected under K. Miller's multiple issue theory and cover-up. I stand firm on my step I and II claims, and again request that my medical shoes be returned to me immediately.

ctor's Office Ar. Richard Russell, Manager Grievance Appeal, Section P.O. Box 30003 Lansing, Michigan 48909

January 8, 2013

RE: STEP III GRIEVANCE DECISION RMI2012091627286

Dear Mr. Russell:

I am requesting for the Step III grievance appeal' decision for the RMI2012091627286 to be sent to me, as soon as a possible, please. This Step III grievance appeal' decision from your office is past due for a response of 90 days requirements, pursuant to P.D. 03.02.130.

Thank you for your assistance, it will be greatly appreciated.

Dated: 1/8/2013

Respectfully submitted,

Leon Douglas #132125 Michigan Reformatory 1342 West Main St. Ionia, Michigan 48846 Case 1:15-cv-00041-RJJ-PJG ECF No. 1, PageID.30 Filed 12/24/14 Page 30 of 37

MICHIGAN DEPARTMENT OF CORRECTIONS PRISONER/PAROLEE GRIEVANCE FORM

4835-4247 10/94 CSJ-247A

Date Received at Step I			BIM 1/1/21		
Be brief and concise in describing procedure, refer to PD 03.02.130 at	g your grievance issue nd OP 03 02 130 availa	. If you hav ble in the pri	e any questions son Law Librar	concerning the g	rievance
Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Leon Douglas	137175	BMI		11-3-2012	
What attempt did you make to resolv	e this issue prior to wri	ting this grie	vance? On wha	t date? Ýçcasi	ns last
If none, explain why.					
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State muchless also 1 TV					
State problem clearly. Use separate g	grievance form for each	issue. Addit	ional pages, usi	ng plain paper, m	nay be used.
Four copies of each page and support to the Grievance Coordinator in account	ing documents must be	submitted w	ith this form. T	he grievance mus	st be submitted
to the Grievance Coordinator in acco	tuance with the time in	a Contrab	.02.130. and Removal	Slip for m	v soecial
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& visit on September	43, 2017. Again	they are	medically	prescribed	Sloes lo
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RESPONSE (Grievant Interviewed?	∐ Yes ☐ No	If No, give	explanation. I	f resolvėd, explai	n resolution,)
espondent's Signature	Date	Reviewer	's Signature		Date
Respondent's Name (Print)	Working Title	Reviewer	's Name (Print)	Wor	king Title
Date Returned to If resolved at	Step I, Grievant sign here	e			
Grievant: Pasalution m					

DISTRIBUTION: White, Green, Canary, Pink — Process to Step One Goldenrod — Grievant

Step II Grievance Appeal Response

RMI-12-11-1900-07B

Name: Douglas

Number: 132125

Lock: I-2-3B

Your Step I grievance, the response, and your reason for appeal have been reviewed.

Summary of Step I Complaint:

Grievant alleges he was written a Contraband Removal Slip for his special accommodated shoes. The shoes were taken during a visit; however an administrative hearing has not been conducted on the shoes.

Summary of Step I Response:

The step I grievance response confirmed the grievant had been given his medical shoes back.

Summary of Reason for Appeal:

Grievant states he reiterates his step I allegation.

Summary of Step II Investigation:

The record reflects Prisoner Douglas was issued a Contraband Removal slip for his medical shoes. Upon reviewing the Step I grievance, RUM Gobert did give Prisoner Douglas his medical shoes back. RUM Gobert states Prisoner Douglas was given the Contraband Removal slip back when he received his shoes. A Notice of Intent was not prepared, nor was an Administrative Hearing held regarding the Contraband Removal slip that was written on 9/23/12, therefore prisoner's due process was violated in accordance with PD-04.07.112.

Since the date of this incident, appropriate action has been taken to insure situations such as this do not happen again.

Conclusion:

Based on the above, your grievance is considered denied at Step II.

C. Palmer, Warden

Respondent's Name (Print)

Respondent's Signature

Data

Case 1:15-cv-00041-RJJ-PJG ECF No. 1, PageID.32 Filed 12/24/14 Page 32 of 37

MICHIGAN DEPARTMENT OF CORRECTIONS

PRISONER/PAROLEE GRIEVANCE APPEAL FORM



Date Received by Grievance Coordinator Grievance Identifier: RMI 12111 119100 INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE. The white copy of the Prisoner/Parolee Grievance Form CSJ-247A-(or-the-goldenrod copy if you have not been provided with a Step I response in a timely manner) MUST be attached to the white copy of this form if you appeal it at both Step II and Step III. If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to: by 12/12/12. If it is not submitted by this date, it will be considered terminated. If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909. Name (Print first, last) Number Institution Lock Number Date of Incident | Today's Date Leon Douglas 132125 RMI I-2-3-B 11-8-12 12-5-12 STEP II — Reason for Appeal Step I response is an induced to separate of RIM K. Gobert simply responded by stating I refused to sign off on this grievance, and Shoe's were given back. However my claim consisted of RUM deliberate refusal to conduct his administrative Administrative Hearing officer and conduct the hearing on Contraband Removal that was written on 9-23-12. RUM Gobert was spoken to a several occasions and still refused to conduct the hearing in a timely manner. RUM Gobert was told on many occasions that I needed my special medically accommodated shoes returned to me so i could get a visit because I could not wear state shoes that hurt my feet because of my medical condition. He still refused to conduct the hearing and/or return my until 2 months later. This refusal constitutes a violation of due process and deliberate indifference. STEP II — Response Date Received by Step II Respondent: Date Returned to Grievant: Respondent's Name (Print) Respondent's Signature STEP III — Reason for Appear is being placed in the RMI mail box (I.D. Mail) on 12-18-12. I agree with step II respondents that my due process rights were violated. However, Step II respondents failed to respond to my deliberate indifference claim that RLM K. Gobert deliberately and intentionally delayed my hearing to cause me harm, pain and suffering and to deprive me of my visiting privileges. I stand firm on my claims and request that RLM Gobert be sanctioned for failing to preform his administrative duties in a timely marner. NOTE: Only a copy of this appeal and the response will be returned to you. STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White - Process to Step III; Green, Canary, Pink - Process to Step II; Goldenrod - Grievant





RICK SNYDER GOVERNOR

STATE OF MICHIGAN DEPARTMENT OF CORRECTIONS LANSING

DANIEL H. HEYNS DIRECTOR

TO:

Douglas, Leon #132125

SUBJECT:

Step III Grievance

RMI-12-11-1900-07b

Your Step III grievance, including any materials included with your appeal from Step II, has been fully reviewed and considered by the Grievance and Appeals Section of the Office of Legal Affairs in accordance with PD 03.02.130, "Prisoner/Parolee Grievances". The response you received at Step II reflects that your issues were in fact considered and appropriately responded to at the facility level and corrective action was taken. As there is no additional information or basis found for relief at Step III, the Step II decision is upheld.

Grievance Specialist:

Approval Signature:

Date mailed:

MAR 2 9 2013

cc: Warden (RMI)
Prisoner (TCF)

Leon Douglas #132125 Thumb Correctional Facility 3225 John Conley Drive Lapeer, Michigan 48446

Date: 12-19-2014

Office of the Clerk United States District Court 231 W. Lafayette Boulevard, Fifth Floor Detroit, Michigan 48226

RE: Leon Douglas v. Carmen Palmer (Warden), et al;
New Action with Motion to Consider Prior Filing as Proper and Timely

Dear Clerk:

Please find the original and one copy of my verified Civil Rights Complaint with attachments for filing in your Court. Also included is my Request to Proceed in forma pauperis with attached prisoner account activity statement supplied by the facility.

I have also enclosed the original and one copy of a MOTION TO CONSIDER PRIOR FILING AS PROPER AND TIMELY for filing in the Court.

After initial review, would you please inform me of the steps needed to move forward with my Complaint? If I have committed any procedural errors please inform me of the necessary fixes for a proper filing.

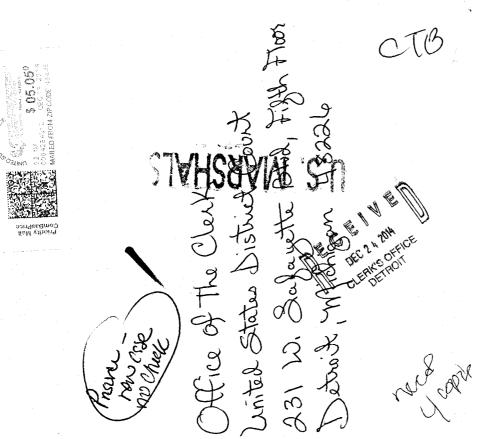
Thank you in advance for your time and consideration in this very important matter.

Sincerely,

cc: file

CIVIL COVER SHEET FOR PRISONER CASES

Case No. 14-14961 Judge: Paul D. Borman	Magistrate Judge: Patricia T. Morris
Name of 1 st Listed Plaintiff/Petitioner:	Name of 1 st Listed Defendant/Respondent:
Leon Douglas	Carmen Palmer et al
Inmate Number: 132125	Additional Information:
Plaintiff/Petitioner's Attorney and Address Information:	
	·
Correctional Facility	
Correctional Facility: Thumb Correctional Facility	
3225 John Conley Drive	
Lapeer, MI 48446 LAPEER COUNTY	
BASIS OF JURISDICTION □ 2 U.S. Government Defendant 図 3 Federal Question NATURE OF SUIT □ 530 Habeas Corpus □ 540 Mandamus 図 550 Civil Rights □ 555 Prison Conditions	ORIGIN ☑ 1 Original Proceeding ☐ 5 Transferred from Another District Court ☐ Other: FEE STATUS ☑ IFP <i>In Forma Pauperis</i> ☐ PD Paid
PURSUANT TO LOCAL RULE 83.11	
1. Is this a case that has been previously dismissed? ☐ Yes ☒ No ➤ If yes, give the following information: Court:	
Court: Case No:	
Judge:	
	matters in which it appears substantially similar evidence will the cases arise out of the same transaction or occurrence.)



Thumb Consectional Jacility 3225 John Conley Drive

